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In re Application of : DECISION ON
PARKINSON, David :
Application No.: 10/553,080 :
PCT No.: PCT/GB04/01351 :
Int. Filing Date: 31 March 2004 : PETITION UNDER
Priority Date: 10 April 2003 :
Attorney Docket No.: DPS-030807 PET-1013US : 37 CFR 1.47(b)
For: FILTRATION APPARATUS :

This is a decision on applicant's Renewed Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 07 August 2007.

BACKGROUND

On 08 June 2007, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice.

On 07 August 2007, applicant submitted this renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (2), (3), (4) and (6) were previously satisfied. Applicant states the last known mailing address of Mr. David Parkinson as Arodene, Walton-in-Gordano; Clevedon, North Somerset BS21 7AR; United Kingdom.

Item (5) has not been met. Applicant now indicates that there is no written employment agreement for Mr. Parkinson, but point to emails indicating that he worked for DPS, the certification on the British Patent application and the legal memorandum that indicates that Mr. Parkinson's position was one such that anything that he invented while in that position would vest with the company.

However, the assignments on which applicants rely for the rest of the chain of title have not been recorded with the Office. In the absence of the recordation and required statement, they cannot be relied upon. 37 CFR (b)(1)(ii).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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